



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,988	10/22/2001	Yoshiyuki Maki	2018-460	7816

7590 05/08/2003

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER
----------

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,988

Applicant(s)

MAKI ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- Th MAILING DATE of this communication appears on th cover sheet with th correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 through 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimizu et al., EP0987423 A2.

3. As per claims 1, 7, 8, 9, 10, 11, 14, 20, 21, 22, 23, and 24, Shimizu et al. disclose at least one malfunction-information storage object(100) that specifies a control instruction for instructing control operation of the at least one MIL with respect to malfunction information of said each at least one diagnosis target based on said malfunction information of said each one of said at least one diagnosis target, said malfunction information of said each one of said at least one diagnosis target being determined based on the result of the malfunction detection operation(200) of said each one of said at least one diagnosis target in view of a level of malfunction of said each one of said at least one diagnosis target; a malfunction-information managing object(300) that carries out adjustment of the control instruction of said at least one MIL specified by said at least one malfunction- information storing object based on the malfunction information of said each one of said at least one diagnosis target and outputs MIL information specifies said control instruction of said at least one MIL based on said relationship information.

4. As per claims 2 and 15, Shimizu et al. disclose said at least one malfunction-information storing object stores said malfunction information of said each one of said at least one diagnosis target(110); and said malfunction-information managing object commands said at least one malfunction-information storing object to store said malfunction information of said each one of said at least one diagnosis target based on the result of said malfunction detection operation of said each one of said at least one diagnosis target(S905).

5. As per claims 3 and 16, Shimizu et al. disclose each one of said at least one malfunction-information storing object is prepared for each corresponding one of said at least one diagnosis target or is prepared for each corresponding one of at least one malfunction check item that corresponds to said at least one diagnosis target, respectively, on lines 45-47, on column 11.

6. As per claims 4 and 17, Shimizu et al. disclose said at least one malfunction-information storage object stores relationship information indicative of relationship between said malfunction information and said control instruction on lines 20-42, on column 9; and said at least one malfunction-information storing object specifies said control instruction of said at least one MIL based on said relationship information on lines 20-42, on column 9.

7. As per claims 5 and 18, Shimizu et al. disclose wherein said at least one malfunction-information storing object specifies said control instruction based on said malfunction information of said each one of said at least one diagnosis target when a

request for retrieving said control instruction is received from said malfunction-information managing object on lines 5-30, on column 10.

8. As per claims 6 and 19, Shimizu et al. disclose said control instruction is selected from a plurality of control instructions having different predetermined priority levels in figure 16; and said malfunction-information managing object outputs one of said control instructions having a highest priority level as MIL information in figure 16.

9. As per claims 12, 13, 25, and 26, Shimizu et al. disclose a MIL controlling object for controlling said at least one MIL based on said MIL information outputted from said malfunction-information managing object in figure 3.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Kubo et al., 6442458, discloses method and apparatus for diagnosing a vehicle.

12. Zhou, 6535116, discloses wireless vehicle monitoring system.

13. Kramer, 6535802, discloses quick check vehicle diagnostics.

14. Maki et al., 6553289, discloses control apparatus having object oriented self-diagnosis program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone

Art Unit: 3661

numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB  
April 30, 2003



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600